

the State of California into the State of Texas of a quantity of Hydroxene which was misbranded.

Analysis by this Department showed that the article consisted essentially of a watery solution of zinc chloride and sodium chloride flavored with oil of peppermint.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle labels, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for pyorrhea alveolaris (chronic periodontitis), trench mouth (Vincent's infection), sore throat, tonsillitis, bleeding or spongy gums, canker sores and eczema; and effective to keep the mouth healthy.

On March 28, 1935, the defendant entered a plea of nolo contendere. On April 15, 1935, the court ordered that defendant be placed on probation for 2 years.

M. L. WILSON, *Acting Secretary of Agriculture.*

24509. Adulteration and misbranding of H. G. C. U. S. v. Acme Chemical Mfg. Co., Ltd., and William T. Jay. Pleas of guilty. Fines, \$100. (F. & D. no. 31439. Sample nos. 7072-A, 13225-A, 18286-A, 33634-A, 33692-A.)

This case was based on various shipments of H. G. C., the labels of which contained unwarranted curative and therapeutic claims. The labels of two of the shipments also contained unwarranted antiseptic claims.

On July 26, 1934, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Acme Chemical Manufacturing Co., Ltd., a corporation, and William T. Jay, of New Orleans, La., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, between the dates of February 10, 1932, and April 3, 1933, from the State of Louisiana into the States of Alabama, Mississippi, and Texas, of quantities of H. G. C., which was misbranded and portions of which were also adulterated.

Analyses showed that the article consisted essentially of borax, berberine, sulphate, and water. Bactericidal tests showed that the article was not antiseptic when used in accordance with directions in a leaflet accompanying certain shipments.

The information charged that the product in two of the shipments was adulterated in that it was represented to be antiseptic when used as directed, whereas it was not antiseptic when used as directed.

Misbranding was alleged for the reason that the statement, "Especially recommended as a Douche for Females Antiseptic" appearing in a leaflet accompanying two of the shipments, was false and misleading, since the said statement represented that the article was antiseptic when used as directed; whereas it was not antiseptic when used as directed.

Misbranding was alleged for the further reason that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the bottle label and carton, and in a circular shipped with all lots and a leaflet shipped with certain lots, falsely and fraudulently represented that the article was effective as a treatment for male and female disorders; effective as an antiseptic, healing, and strengthening douche for females; and effective as a treatment for male and female disorders, when used as an injection for men and as a douche for women.

On January 7, 1935, the defendants were arraigned and entered pleas of not guilty. On January 30, 1935, motions to quash and for a bill of particulars were argued and overruled. On February 14, 1935, the defendants entered pleas of guilty and the court imposed fines totaling \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

24510. Adulteration and misbranding of Yerkes White Liniment. U. S. v. Yerkes Chemical Co., Inc. Plea of guilty. Fine, \$25. (F. & D. no. 31460. Sample no. 30427-A.)

This case was based on an interstate shipment of Yerkes White Liniment, the labeling of which bore unwarranted curative and therapeutic claims. Analysis showed that the article contained a smaller percentage of chloroform than declared.

On May 17, 1934, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yerkes Chemical Co., Inc., Winston-Salem, N. C., alleging shipment by said company in violation of the Food and